

Patrick Selvey

From: Emma Caterine <emma@newyorkconsumerattorney.com>
Sent: Tuesday, July 12, 2022 2:36 PM
To: Nicholas Goodman
Cc: Ahmad Keshavarz; Patrick Selvey
Subject: RE: Farah Jean Francois - proposed scheduling order
Attachments: 2022-07-12 proposed scheduling order.pdf

Counsel,

Please see attached, revised as you suggested. However, I know Nicholas and I talked about this on the phone but in case you do not have experience with Judge Rakoff, Patrick, we should be prepared for deadlines to be set shorter than what we are asking for, particularly because Judge Rakoff is asking for us to be trial ready by December 12, 2022. With that understanding, we can file today if you consent.

Emma Caterine, Esq.
Partner



FDCPA Attorneys: Protecting consumers from
deceptive and unfair debt collection

The Law Office of Ahmad Keshavarz

NOTE OUR ADDRESS HAS CHANGED BACK TO:

16 Court St., Suite 2600, Brooklyn, NY 11241-1026

Cell: (917) 945-9848 Fax: (877) 496-7809

Website: www.NewYorkConsumerAttorney.com

Email: emma@newyorkconsumerattorney.com

From: Nicholas Goodman <Ngoodman@ngoodmanlaw.com>
Sent: Tuesday, July 12, 2022 12:44 PM
To: Emma Caterine <emma@newyorkconsumerattorney.com>
Cc: Ahmad Keshavarz <ahmad@newyorkconsumerattorney.com>; Patrick Selvey <Pselvey@ngoodmanlaw.com>
Subject: RE: Farah Jean Francois - proposed scheduling order

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Counsel,

First, I have confirmed the facts that I mentioned in our phone call last week, that Mr. Laforest appeared at the dealership with a female accomplice who represented herself to be your client and who reasonably looked like the picture on the driver's license presented, although the accomplice was wearing a face mask – the transaction took place during the heart of COVID restrictions as you will recall. Thus the dealership was as much a victim of Laforest as your client. Accordingly, none of Plaintiff's causes of action, FCRA included, has any factual basis.

Second, aside from FCRA statutory damages it appears the damages pleaded in the Complaint are essentially your client's emotional distress. As you may know, New York does not permit recovery for the negligent infliction of emotional distress absent physical impact/injury. Plaintiff does not of course allege physical impact.

Third, even putting all that and other issues aside, there exists no viable theory for individual liability against Philip Argyropoulos and all claims against him are subject to dismissal forthwith.

I ask you to consider these realities and reiterate my request that you state a minimal settlement demand now, before my client incurs the cost of commencing immediate motion practice addressing some or all of the above points, without limitation.

To the extent we must file a proposed Civil Case Management Plan today, the dates you propose are very tight and from my perspective unworkable. In particular, the proposed summary judgment motion deadlines have reply papers due the day after Thanksgiving. That is untenable.

I therefore suggest that we move each of the dates stated in the proposed Plan forward by ten (10) days, or to business days approximately 10 days after the dates proposed.

Thank you for your attention to this matter. I look forward to hearing from you, but note that I am on vacation in Europe, 6 hours ahead of NYC time and I may not be able to respond quickly. As such, I have copied my associate Patrick Selvey on this email in case of an urgent issue that must be addressed in my absence.

Regards,

Nicholas Goodman

H. Nicholas Goodman

Nicholas Goodman & Associates, PLLC
333 Park Avenue South, Suite 3A
New York, N.Y. 10010
Office Main (212) 227-9003
Direct Dial (917) 386-2701
Cell (917) 470-7805
ngoodman@ngoodmanlaw.com
www.ngoodmanlaw.com

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Thank you.

From: Emma Caterine <emma@newyorkconsumerattorney.com>
Sent: Tuesday, July 12, 2022 9:31 AM
To: Nicholas Goodman <Ngoodman@ngoodmanlaw.com>

Cc: Ahmad Keshavarz <ahmad@newyorkconsumerattorney.com>

Subject: RE: Farah Jean Francois - proposed scheduling order

Counsel,

I believe this needs to be filed with the Court today, so please let me know what changes if any you would like to make.

Emma Catherine, Esq.

Partner



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Cell: (917) 945-9848 Fax: (877) 496-7809

Website: www.NewYorkConsumerAttorney.com

Email: emma@newyorkconsumerattorney.com

From: Emma Catherine

Sent: Tuesday, July 5, 2022 5:55 PM

To: 'ngoodman@ngoodmanlaw.com' <ngoodman@ngoodmanlaw.com>

Cc: Ahmad Keshavarz <ahmad@newyorkconsumerattorney.com>

Subject: Farah Jean Francois - proposed scheduling order

Counsel,

Nice speaking with you. My law partner Ahmad is cc'ed. Please see attached for the proposed scheduling order.

Emma Catherine, Esq.

Partner



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